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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,466	10/11/2006	Ulrike Hees	282101US0PCT	8193
22850	7590	09/09/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PENNY, TABATHA L	
			ART UNIT 4171	PAPER NUMBER
			NOTIFICATION DATE 09/09/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-13 and 15, are drawn to a method of making a treated pigment.

Group 2, claim(s) 14, are drawn to a treated pigment.

Group 3, claim(s) 16-17, are drawn to a method of producing inks for the ink jet process.

Group 4, claim(s) 18, are drawn to inks for the ink jet process.

Group 5, claim(s) 19-20, are drawn to a process for printing substrates.

Group 6, claim(s) 21, are drawn to printed substrates.

Group 7, claim(s) 22-23, are drawn to a method for coloration of textile.

Group 8, claim(s) 24, are drawn to dyeing liquor for textile dyeing.

Group 9, claim(s) 25, are drawn to a print paste for textile printing.

Group 10, claim(s) 26, are drawn to a colored textile substrate.

Group 11, claim(s) 28, are drawn to a process for coloration of leather.

Group 12, claim(s) 29, are drawn to an aqueous bottoming dispersion.

Group 13, claim(s) 30, are drawn to colored leather.

Group 14, claim(s) 31, are drawn to footwear produced from colored leather.

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2. The inventions listed as Groups 1-14 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature is identified as a pigment treated by mixing the pigment in particulate form with a nonionic surface-active substance, dispersing the mixture in an aqueous medium, and polymerizing at least two monomers at the surface of the pigment.

SOLC (US Patent No. 4680200) discloses a pigment treated by preparing an aqueous colloidal dispersion of pigment in particulate form, surfactant, and monomers, styrene and butylacrylate, then polymerizing the monomers at the surface of the pigment (claims 1, 3 and 6).

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for

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rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TABATHA PENNY whose telephone number is (571)270-5512. The examiner can normally be reached on Monday thru Friday 8:00am-4:30pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Barbara Gilliam can be reached on (571)272-1330. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/tp/

/PATRICK NOLAN/
Supervisory Patent Examiner, Art Unit 4171